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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,477	02/20/2001	Hiroki Kanai	520.39648X00	5481
24956	7590	12/09/2005	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			CHACE, CHRISTIAN	
			ART UNIT	PAPER NUMBER
			2189	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/785,477

Applicant(s)

KANAI ET AL.

Examiner

Christian P. Chace

Art Unit

2189

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 February 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): 35 USC 112, 1st paragraph.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).

13. ☐ Other: _____.



Christian P. Chace
Primary Examiner
Art Unit: 2189

Continuation of 11. does NOT place the application in condition for allowance because: while applicants' instant amendment to the claims overcomes the 35 USC 112, 1st paragraph rejection, applicants' arguments with respect to the 35 USC 102 rejection are not persuasive. With respect to applicants' argument that at no point is there any teaching or suggestion in Otterness which allows for the disk controller of a first cluster to determine whether data is cached in the disk drives connected to a second disk controller of another cluster, examiner respectfully disagrees. With respect to applicants' argument that it appears the examiner may have mis-described the invention [of Otterness], examiner respectfully disagrees. With respect to applicants' argument that at no point is there any teaching or suggestion in Otterness that the cache line descriptors includes {sic} information indicating relationships between identifications of disk controllers, addresses of the disk drives connected to the disk controllers and addresses in the cache memories at which the disk drives are stored as in the present invention, examiner respectfully disagrees. With respect to applicants' argument that Otterness fails to teach or suggest that when a first disk controller of a first cluster receives from a host computer a write request which requests writing data stored in disk drives of a second disk controller of a second cluster, the first disk controller checks whether data is stored in the cache memory of the second disk controller by referring to a cache management table, examiner respectfully disagrees. In addition to the citations discussed in the body of the rejection, columns 13 and 14 feature the Table I referred to, which contains a description of the 1 blk item. 1 blk contains the information needed to keep track of what host data exists in the cache line. It tells the system drive, sector, type of the cache line, and the group number. Applicants are also encouraged to review column 23, lines 5-25 as well, for example. With respect to applicants' argument that there is no teaching or suggestion in Otterness that a cache management table is provided that "indicates relationships between" identifications of disk controllers, addresses of the disk drives connected to the disk controllers, and addresses in the cache memories at which data of the disk drives are stored, examiner respectfully disagrees. Examiner notes the same citations as discussed supra. Group #'s, caches, sectors, and what data exists in the respective caches are clearly taught, especially given the nebulous nature of the claim language ("indicating relationships between," e.g.) Examiner also notes that applicants have not attempted to explain why they think examiner may have "mis-described" the invention, or why the citations cited in the rejection, and Otterness in general, fails to teach or suggest the claimed invention. Mere allegations, without any explanation, are not persuasive and do not advance the prosecution of the case. Examiner cannot address these general allegations without any more specific details, such as why applicants are taking the position they appear to be taking. It is strongly encouraged that applicants much more clearly explain their position and define their arguments in any future responses. In addition, with respect to applicants' requests for an interview, examiner refers applicants to MPEP 713, and also notes that examiner will require a very detailed agenda and an appropriate amount of time to plan for an interview, should it be granted based on said agenda.